

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Criminal Case No. 1:18-cr-31
	:	Civil Case No. 1:24-cv-191
vs.	:	
	:	District Judge Timothy S. Black
DEON SANDERS,	:	Magistrate Judge Michael R. Merz
	:	
Defendant.	:	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

This criminal case is before the Court on the Report and Recommendation of United States Magistrate Judge Michael R. Merz. (Doc. 60). Specifically, Judge Merz issued a Report and Recommendation on June 6, 2024, recommending that Defendant's motion to vacate pursuant to 28 U.S.C. § 2255 be dismissed with prejudice because the motion is barred by the relevant statute of limitations. (Docs. 58, 60). Defendant did not file objections to the Report and Recommendation, and the time for doing so has expired.

Pursuant to 28 U.S.C. § 636(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the relevant filings in this case. Upon consideration of the foregoing, the Court finds that the Report and Recommendation (Doc. 60) should be and is hereby adopted in their entirety.

Accordingly:

1. The Report and Recommendation (Doc. 60) is **ADOPTED**;
2. Defendant's motion to vacate pursuant to 28 U.S.C. § 2255 (Doc. 58) is barred by the relevant statute of limitation and is therefore **DENIED with prejudice**;

3. The Clerk's Office shall ensure that the accompanying civil action, Case No. 1:24-cv-191, is **DISMISSED with prejudice** and **TERMINATED** on the docket of this Court; and
4. The Court finds that any appeal would be objectively frivolous, and that jurists of reason would not disagree with the Court's resolution of Defendant's constitutional claims nor would jurists conclude that "the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Accordingly, the Court **DENIES** the issuance of a certificate of appealability, pursuant to 28 U.S.C. § 2253(c).

**IT IS SO ORDERED.**

Date: 6/25/2024

*s/ Timothy S. Black*  
Timothy S. Black  
United States District Judge